

# ARTICLE 1

## Purpose and Applicability of Zoning Ordinance

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## **CHAPTER 17.01 - ENACTMENT AND APPLICABILITY OF ZONING ORDINANCE**

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### **Sections:**

17.01.010 - Purpose of the Zoning & Subdivision Ordinance

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### **17.01.010 - Purpose of the Zoning & Subdivision Ordinance**

The purpose of the Lodi Zoning & Subdivision Ordinance is to implement the policies of the General Plan by classifying and regulating the uses of land and structures within the City of Lodi in a manner consistent with the General Plan. To achieve this purpose, it is the intent of these regulations to:

- A. Provide standards for the orderly development of the City, and continue a stable pattern of land uses;
- B. Preserve the historical integrity and character of the City's neighborhoods and commercial areas;
- C. Encourage a pedestrian-friendly community by promoting a mix of land uses and pedestrian oriented design in residential commercial areas; and
- D. Conserve and protect the natural resources of the City, including surrounding agricultural lands.

### **17.01.020 - Authority**

These regulations are enacted based on the authority vested in the City of Lodi by the State of California, including but not limited to: the State Constitution; the Planning and Zoning Law (Government Code Section 65000 et seq.); the Subdivision Map Act (Government Code Section 66410 et seq.); and the California Health and Safety Code.

### 17.01.030 - Applicability of Regulations

This Zoning & Subdivision Ordinance, hereafter referred to as “this Ordinance,” applies to all land uses, structures, subdivisions, and development within the City of Lodi, as follows.

- A. New land uses or structures, changes to land uses or structures.** Compliance with the requirements of Chapter 17.12 (Development and Land Use Approval Requirements) or, where applicable, Chapter 17.82 (Nonconforming Uses, Structures, and Parcels), is necessary for any person or public agency to lawfully establish, construct, reconstruct, alter, or replace any use of land or structure.
- B. Issuance of Building Permits.** The City may issue building or other construction permits only when:
  - 1. The proposed land use and/ or structure satisfy the requirements of Subsection A. above, and all other applicable statutes, ordinances and regulations; and
  - 2. The Director determines that the site was subdivided in compliance with Article 5 (Subdivision Regulations).
- C. Subdivisions.** Any subdivision of land proposed within the City after the effective date of this Ordinance shall be consistent with: the minimum lot size requirements of Chapter 2 (Zoning Districts and Allowable Land Uses), and all other applicable requirements of this Ordinance, including Land Use and Development Permit procedures as outlined in Article 5.
- D. Effect of regulations on existing uses and structures.** An existing land use or structure is lawful only when it was legally established, and is operated and maintained, in compliance with all applicable provisions of this Ordinance, including Chapter 17.82 (Nonconforming Uses, Structures and Parcels).
 

Existing land uses or structures that were in violation of City zoning regulations applicable before the effective date of this Ordinance are in violation of these regulations, and shall continue to be in violation unless they comply with the current requirements.
- E. Effect of regulations changes on projects in progress.** A land use permit application that has been accepted by the Department as complete prior to the effective date of this Ordinance or any amendment shall be processed according to the requirements in effect when the application was accepted as complete.
- F. Minimum requirements.** The provisions of this Ordinance shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Ordinance provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Ordinance as may be necessary to promote orderly land use development and the purposes of this Ordinance.

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- G. Other requirements may apply.** Nothing in this Ordinance eliminates the need for: obtaining any permit, approval, or entitlement required by the regulations of the County, or any regional, State, or Federal agency.
- H. Conflicting requirements.** Any conflict between different requirements of this Ordinance, or between this Ordinance and other City regulations, shall be resolved in compliance with Section 17.02.020.D (Conflicting Requirements).
- I. Severability.** Invalidity or enforceability of one or more provisions of this Ordinance shall not affect any other provision of this Ordinance.

### **17.01.040 - Responsibility for Administration**

This Zoning & Subdivision Ordinance shall be administered by the City Council, Planning Commission, Site Plan and Architectural Review Committee (SPARC), Community Development Director, and the Community Development Department in compliance with Chapter 17.80 (Administrative Responsibility).

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## **CHAPTER 17.02 - INTERPRETATION OF ORDINANCE PROVISIONS**

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### **Sections:**

- 17.02.010 - Purpose of Chapter
- 17.02.020 - Rules of Interpretation
- 17.02.030 - Procedures for Interpretations

### **17.02.010 - Purpose of Chapter**

This Chapter provides rules for resolving questions about the meaning or applicability of any part of this Ordinance. The provisions of this Chapter are intended to ensure the consistent interpretation and application of the requirements of this Ordinance.

### **17.02.020 - Rules of Interpretation**

- A. Authority.** The Director shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this Ordinance.
- B. Language.**
  - 1. Abbreviated titles and phrases.** For the purpose of brevity, the following phrases, personnel and document titles are shortened in this Ordinance. The City of Lodi is referred to as the "City." The City of Lodi Zoning & Subdivision Ordinance is referred to as "this Ordinance." The Community Development Director is referred to as "Director," the City Council is referred to as the "Council," the Planning Commission is referred to as the "Commission." The Community Development Department is referred to as the "Department." "Buildings and structures" are referred to as "structures."
  - 2. Terminology.** When used in this Ordinance, the words "shall," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "include," "includes," and "including" mean "including but not limited to ...".
  - 3. Number of days.** Whenever a number of days is specified in this Ordinance, or in any permit, condition of approval, or notice issued or given as provided in this Ordinance, the number of days shall be construed as calendar days, unless business days are specified. Time limits will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business, except as otherwise provided for by the Map Act.

4. **State law requirements.** Where this Ordinance references applicable provisions of State law (e.g., the California Government Code, Subdivision Map Act, Public Resources Code, etc.), the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.
- C. **Calculations - Rounding.** Where any provision of this Ordinance require calculations to determine applicable requirements, any fractional/ decimal results of the calculations shall be rounded as provided by this Subsection.
1. **Residential density, minimum lot area and number of lots.** The fractional/ decimal results of calculations of the number of dwelling units allowed on a parcel based on maximum density requirements, and the number of parcels allowed through subdivision based on a minimum lot area requirement, shall be rounded down to the next lowest whole number. For example, *[STAFF: we'll add an example after the zoning standards are stable.]*
  2. **All other calculations.** For all calculations other than those described in Subsection C.1 above, the fractional/ decimal results of calculations shall be rounded to the next highest whole number when the fraction/ decimal is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5.
- D. **Conflicting requirements.** Any conflicts between different requirements of this Ordinance, or between this Ordinance and other regulations, shall be resolved as follows.
1. **Zoning & Subdivision Ordinance provisions.** In the event of any conflict between the provisions of this Zoning & Subdivision Ordinance, the most restrictive requirement shall control, except in case of any conflict between the zoning district regulations of Chapter 2 (Zoning Districts and Allowable Land Uses) and the provisions of Chapter 3 (Site Planning and General Development Standards), the provisions of Chapter 3 shall control.
  2. **Development Agreements, Specific Plans, Planned Developments.** In the event of any conflict between the requirements of this Ordinance and standards adopted as part of any Development Agreement, Specific Plan, or Planned Development approval, the requirements of the Development Agreement or Specific Plan shall control.
  3. **Municipal Code provisions.** In the event of any conflict between requirements of this Ordinance and other regulations of the City, the Community Development Director shall determine which provision shall control.
  4. **Private agreements.** It is not intended that the requirements of this Ordinance shall interfere with, repeal, abrogate or annul any easement, covenant, or other agreement that existed when this Zoning Ordinance became effective. This Ordinance applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than an applicable private agreement or restriction, without affecting the applicability of any agreement or



restriction. The City shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.

- E. Zoning Map boundaries.** See Chapter 17.10 (Zoning Districts and Map).
- F. Allowable uses of land.** See Section 17.12.030 (Allowable Land Uses and Permit Requirements).

### **17.02.030 - Procedures for Interpretations**

Whenever the Community Development Director determines that the meaning or applicability of any of the requirements of this Ordinance are subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation or refer the question to the Planning Commission for determination.

- A. Request for interpretation.** The request for an interpretation or determination shall be filed with the Department and shall include specific provisions in question, and any other information necessary to assist the Department in their review.
- B. Appeals.** Any interpretation of this Ordinance by the Director or Commission may be appealed in compliance with Chapter 17.84 (Appeals).

Interpretation

17.02.030